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PUBLIC SCOPING MEETING

U.S. Immigration & Naturalization Service

and

Joint Task Force Six

Supplemental Programmatic Environmental Impact Statement

(PEIS)

Fall 1998

Chula Vista, California

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1 PROCEEDINGS

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3 RON RUFFENACH: Good evening, ladies and
4 gentlemen, and thank you very much for coming this evening.

5 This is a public scoping meeting on the draft
6 Programmatic Environmental Impact Statement, or PEIS, for
7 Joint Task Force Six and the Immigration and Naturalization
8 Service missions primarily along the southwest border.

9 My name is Ron Ruffenach, and I will be moderating
10 this evening's meeting.

11 Before a decision is made to implement any
12 programs and accompanying strategies, JTF-6 and INS must do
13 a complete analysis of them. This broad -- type of broad
14 analysis is referred to as a Programmatic EIS, rather than
15 the more commonly known EIS, which analyzes a specific
16 project proposed by the government.

17 Part of that process involves receiving public
18 input during the early phases of the PEIS, and this is
19 called scoping. At scoping meetings we ask for the public
20 to input on the scope, range -- or range of issues that
21 should be considered for analysis. Comments received during
22 scoping are addressed during the development of the PEIS
23 document.

24 And at this point, I'd like to note that this is
25 the seventh of a series of ten meetings, scoping meetings,

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1 that are being held in conjunction with the development of
2 this PEIS.

3 We have two goals this evening: to provide you
4 information about JTF-6 and INS activities, and to receive
5 your comments before -- for our consideration in that PEIS
6 document. My purpose this evening is to moderate the
7 meeting and to make sure that everyone who wants to speak
8 has an opportunity to do so.

9 You can comment at this meeting in a couple
10 different ways. You can do that in writing; you can hand us
11 a written comment sheet. You can speak in the five minutes
12 that will be allotted after we hear the presentations -- and
13 we have a little process that we'll identify for you after
14 those presentations on how we're going to do that -- or,
15 again, you can provide your comments anytime between now and
16 December 16th to the address on the sheet that was provided
17 to you at the registration table.

18 Also, we ask that when you registered, you
19 indicate whether or not you plan to speak this evening.
20 However, if you did not do that, we will provide you an
21 opportunity to speak anyway. But we're trying to get some
22 sensing of order and magnitude of the speakers.

23 This meeting is being conducted as the previous
24 six have been. We will have brief presentations from the
25 JTF-6 folks, from the INS, and then we will have someone go

1 over the National Environmental Policy Act process that is
2 related to the preparation of this document.

3 Before we get into those presentations, I'd like
4 to introduce Harold Beasley, who is the Deputy Chief of the
5 San Diego Sector, to welcome you all this evening.

6 Mr. Beasley.

7 MR. BEASLEY: Good evening, and welcome to the
8 meeting.

9 As he said, my name is Harold Beasley. I'm the
10 Deputy Chief Patrol Agent here in the San Diego Sector.

11 We are one of nine Border Patrol sectors along the
12 southwest border here of the southern border of the United
13 States with Mexico, San Diego Sector being the largest. We
14 have resources right around 2500 employees. 2300 or so of
15 those are Border Patrol agents.

16 We are responsible in this -- in this immediate
17 border area for 66 miles of land border with Mexico, from
18 the Imperial Beach, Pacific Ocean, east to the Imperial
19 County line. We have the responsibility north to Orange
20 County. We have about a 7,000-mile -- square-mile sector
21 that we're responsible for here in San Diego; part of it
22 being in Riverside County, some of it in Orange County.

23 We have two major traffic checkpoints that are on
24 the -- the major corridors going out of the Southern
25 California area on Interstate 15 and Interstate 5. We have

1 an east-west checkpoint on Interstate 8 that checks the
2 traffic coming in a westerly direction from the Imperial
3 County area, and we have a checkpoint off Highway 94 in the
4 east county area.

5 We -- our major responsibility, I'm sure as most
6 of you know here that live in this area, is that we're --
7 we're tasked in the responsibility of preventing the -- the
8 entry of aliens into the United States, undocumented aliens,
9 and seizing and arresting those that are smuggling narcotics
10 or any other type of contraband across the border.

11 One of the things that we're -- we're into our --
12 starting our fifth year of Operation Gatekeeper. That is
13 the strategy across -- that's being implemented across the
14 southwest border, but it started here in the San Diego area.
15 We're -- we're utilizing that strategy. It's one of high
16 deterrence, of high-visibility positions along the border,
17 to reduce the entries into this area. The strategy calls
18 for moving traffic, moving the smugglers, in an easterly
19 direction.

20 What you can see with our statistics over the last
21 several years, not only with the arrest of undocumented
22 aliens but of narcotic seizures, that they have come down
23 dramatically in the last -- this last fiscal year, we
24 recorded a 19-year low for apprehensions in this sector.
25 Our narcotics seizures are down to about 75 percent over the

1 last five years. The narcotics seizures that we are making
2 are in our eastern area and working in conjunction with the
3 Coast Guard and Customs Service in a mobile task force in
4 the Pacific Ocean.

5 One of the things that we have been able and been
6 successful with with Operation Gatekeeper is the -- is the
7 support and the coordination we get from JTF-6 out of El
8 Paso with our -- our engineering projects, our road
9 construction, our fence projects, and our lighting projects.
10 A lot of the great success that we've had with these
11 projects has been due to the -- due to the coordination and
12 the operations that we've tasked them to do for us and have
13 been coordinated and completed here in this area.

14 Thank you very much.

15 I'm sorry, I failed here. I need to introduce the
16 next speaker, Dominick Chambers, an assistant chief patrol
17 agent out of Operation Alliance in El Paso.

18 DOMINICK CHAMBERS: Thank you, Harold.

19 I have the pleasure of providing you with a short
20 history and somewhat of an overview of the United States
21 Border Patrol.

22 The Border Patrol was first organized by then
23 Commissioner General of Immigration in 1904, and we were
24 initially known as "Border Guards." In 1924, we were
25 established as the U.S. Border Patrol by the Bureau of

1 Immigration, and originally, the Bureau of Immigration was
2 part of the Department of Labor. In 1940, INS came under
3 Department of Justice.

4 The Border Patrol is organized into 21 sectors.
5 Now, if you'll look at all the pyramids there on the map, or
6 triangles, yellow triangles, they're indicative, for the
7 most part, of our Border Patrol sectors. With the exception
8 of Charleston, South Carolina; Glynco, Georgia; and if you
9 see -- look over there, New Mexico in the blue, Artesia,
10 those are three academy sites. And our sector headquarters,
11 of course, is located in Washington D.C. -- our sector
12 headquarters is located in Washington, D.C. If you look down
13 in Ramey, Puerto Rico, you'll also notice that we do have a
14 sector in Puerto Rico.

15 The mission of the United States Border Patrol is
16 to secure the external boundaries of the United States. And
17 we do this by preventing or deterring illegal entry;
18 detecting, interdicting, apprehending undocumented entrants,
19 smugglers, narcotics, contraband, and violators of other
20 laws. The Border Patrol is the designated lead agency
21 responsible for drug interdiction on the border between the
22 ports of entry.

23 We accomplish this through various operations.
24 These operations consist of linewatch and sign cutting;
25 traffic checkpoints; transportation check, which involves

1 transportation check at bus stations, airports, rail yards,
2 rail stations, and so forth; air operations; marine patrol;
3 horse and bike patrol; and we also have a canine program.

4 The Border Patrol strategy which we're employing
5 is "Prevention Through Deterrence." And we have a multiyear
6 approach, and that is to gain, maintain, and then to extend
7 control.

8 The strategic approach to enforcement
9 effectiveness and results. Some of our operations which are
10 ongoing right now: Operation Hold the Line, which is an El
11 Paso initiative. We have Operation Gatekeeper, as mentioned
12 by Deputy Chief Patrol Agent Beasley, and that involves the
13 San Diego Sector, the El Centro Sector, and the Yuma Sector;
14 Operation Safeguard, which the involves Tucson Sector; and
15 Operation Rio Grande, which involves Marfa, Laredo, Del Rio,
16 and McAllen, Texas, Sectors.

17 Just to give you a quick overview of southwest
18 border apprehensions -- and I would like you to take note
19 that this is a snapshot of the period October to May. And
20 you can take a look at the figures between '97 and '98. And
21 as Mr. Beasley said, we are seeing a significant reduction,
22 a continuing reduction, in the apprehension level within San
23 Diego Sector as we gain control of the border.

24 Interestingly enough, El Centro Sector has
25 experienced about a hundred percent increase in their

1 apprehensions, and that's because of the effective control
2 that is now being exerted in the San Diego Sector.

3 Again, our staffing levels. San Diego Sector, if
4 you look at fiscal year '92 and '93, was in the 980-plus
5 zone, and today, we're over 2200, about 2250 agents. So
6 we -- we are putting resources into this sector, as we are
7 all along the border.

8 The Border Patrol is the designated primary agency
9 for drug enforcement also before the -- between the ports of
10 entry. And one of the significant achievements of the
11 Border Patrol is that 52 percent of all marijuana seizures
12 by federal agencies in fiscal year '97 was made by the
13 Border Patrol.

14 Here we have U. S. Border Patrol southwest border
15 drug seizures. And as Mr. Beasley said, again, you can see
16 that there has been a steady decline in drug seizures as our
17 resources have come on-line in the San Diego Sector. These
18 are -- I might mention these are events here, this number of
19 seizures.

20 And here we have some figures as they relate to
21 poundage of marijuana seized. And these figures, the -- the
22 latest figures for fiscal year '98, are good through June of
23 this year. But we are seeing a decline.

24 Would you back it up, please?

25 This is our cocaine seizures in the San Diego

1 area. We hit a high point in fiscal year '95 that was
2 pretty much a high point throughout the Patrol. But we're
3 down now to as of June, we had no -- no -- really no
4 significant cocaine seizures within the San Diego Sector.

5 This will show you the dollar amount of seizures
6 on our drugs. And I might add that these dollar amounts are
7 provided to the Border Patrol by DEA. This is not a figure
8 that the Border Patrol arbitrarily comes up with. Again,
9 it's interesting to note that there is a decline.

10 This will show you what our nationwide cocaine --
11 cocaine seizure rate is. And again, it's -- we are
12 experiencing an overall decline in our cocaine seizure rate.
13 And this is along the southwest border, and this is
14 attributed to increasing control of our southwest border.

15 Our nationwide marijuana seizures, they appear to
16 be holding, and -- and we may have a bit of a decrease this
17 year. But since these figures were good through June, it's
18 quite possible that we're going to see an increase in our
19 marijuana seizures nationwide.

20 This is an example of some significant drug
21 activity. This is just a snapshot. These were not pulled
22 for any particular reason but just to give you an idea of
23 what we encounter on a daily basis.

24 Thank you. This concludes my portion of the
25 presentation, and I will now turn it over to Lt. Colonel

1 Mike Rossi.

2 LT. COLONEL MIKE ROSSI: Good evening, ladies and
3 gentlemen.

4 Thank you, Mr. Chambers.

5 My name is Lt. Colonel Mike Rossi. I'm the staff
6 engineer of Joint Task Force Six, and I'm here tonight to
7 talk to you about Joint Task Force Six and Department of
8 Defense involvement in the nation's counterdrug fight. By
9 the end of this presentation, I hope you'll have a better --
10 better and greater understanding of our organization, our
11 mission, and how we support local law enforcement agencies
12 at the federal, state, and, again, local level in their
13 attempts and in their mandate to keep drugs out of our
14 communities.

15 This is the sequence I'll be following tonight.
16 I'll start with the National Drug Control Strategy and the
17 goals put forth by the President. I'll explain the
18 involvement of the Department of Defense and the Joint Task
19 Force Six and how they support the law enforcement agents.
20 I'll present Joint Task Force Six's mission, and I'll
21 outline Joint Task Force Six and Department of Defense's
22 unique relationship to law enforcement agents and every type
23 of support we provide.

24 These statistics provide a broad overview of the
25 national drug problem. As you can see, illegal drug use is

1 responsible for a significant amount of criminal activity.
2 It also poses a serious public safety and public health
3 problem for the government at all levels. There's an
4 estimated \$83 billion a year spent by the government and
5 government-related agencies to address drug-related
6 problems. \$67 billion go to social programs such as
7 treatment and education, while the balance, 16 billion, is
8 spent on law enforcement efforts each year.

9 This slide tries to portray the negative impact of
10 drugs in our communities, in our work force, and its
11 disruption on both the significant impacts on our law
12 enforcement and law enforcement in our communities, how it
13 adversely affects our families, and how it places a burden
14 on the health care system.

15 In order to address these issues, the Office of
16 Drug Control Policy, working at the direction of the
17 President, formulated and published a National Drug Control
18 Strategy. This defines our national plan to combat drugs
19 and treat drug use, and it assigns goals for which we can
20 measure our effectiveness.

21 These are the goals laid out by the strategy,
22 which was published in February '98. The Department of
23 Defense and Joint Task Force Six contribute to three of
24 these goals: by providing support to law enforcement efforts
25 to reduce drug-related crime and violence; by shielding

1 America's land, sea, and air frontiers; and by breaking
2 foreign and domestic sources of supply. The national
3 objective is to reduce drug use by 50 percent in the year
4 2007.

5 Joint Task Force Six is a Department of Defense
6 task force established in 1989 to provide support to law
7 enforcement agencies along the southwest border. Since
8 1989, our responsibilities have grown to include the entire
9 continental United States. The main effort of our support,
10 however, remains along the four southwest border states,
11 where 80 percent of our missions occur.

12 At the top of the slide, you can see our most
13 recent mission statement. And I'll read it to you if you
14 have a hard time seeing it. It says, "Joint Task Force Six
15 synchronizes and integrates Department of Defense
16 operational, technological, training, and intelligence
17 support to drug law enforcement agencies' counterdrug
18 efforts in the United States in order to reduce the
19 availability of illegal drugs in the United States."

20 This slide will show you the specific legislation
21 by Congress which established Joint Task Force Six. They
22 also provide the legal restraints under which we operate.
23 In summary, they authorize the Department of Defense to
24 conduct training exercises in drug interdiction areas, to
25 provide support to the counterdrug effort, and to assist in

1 the detection and monitoring of cross-border smuggling
2 operations.

3 This slide will show you the legal restrictions
4 under which we operate. A written request from the law
5 enforcement agency and a clearly articulated drug --
6 counterdrug nexus or linkage must be in the written request.

7 All Joint Task Force Six activities must comply
8 with the Posse Committatus Act which prohibits the use of
9 the United States military forces for domestic police
10 functions.

11 We may not violate the sanctity of the United
12 States-Mexico border.

13 We must follow the rules of engagement which only
14 allow the use of force in self-defense. Currently, no Joint
15 Task Force Six operations are authorized to carry weapons,
16 and security is provided by the supported law enforcement
17 agency.

18 We are prohibited from collection and maintaining
19 of information on U.S. persons. We undergo independent
20 intelligence oversight inspections to insure compliance with
21 this restriction.

22 We may conduct no operations on private land
23 without the express permission of the private land owner.

24 Our funds can only be expended on the counterdrug
25 support.

1 As a note, ground missions, which I will describe
2 later, are currently under suspension by order of the
3 Secretary of Defense. We still provide a wide range of
4 operational, training, engineer, and general support
5 missions to law enforcement agencies.

6 This is an executive summary of the previous slide
7 which outlined our restrictions. We provide support, but
8 are not police; we do not search people or property; and we
9 do not make contraband seizures or arrests.

10 This slide is a -- is a representation of how the
11 cycle -- or how the Support Request Cycle works and how the
12 Joint Task Force mission can come about.

13 All requests, once the -- and I mentioned earlier,
14 we have a written request prepared and forwarded by the law
15 enforcement agency requesting our support. What we do is
16 that request is then processed through Operation Alliance,
17 and that is an agency made up of federal, state, and local
18 law enforcement representatives who validate the counterdrug
19 nexus and provide us with our working priorities.

20 JTF-6 then conducts an independent legal review.
21 And once the mission is approved by our command group, we
22 solicit for volunteer units.

23 These volunteer units will sign up for -- for,
24 first and foremost, the training benefit they receive. This
25 training benefit closely matches whatever specific skills

1 they are required to conduct if we were to deploy them
2 overseas, and -- and clearly reflects also what their
3 wartime task would be.

4 As an example, an engineer unit would -- if we
5 were to deploy them, build a road, build a fence, perhaps
6 put up lights, do general engineering support. And if they
7 can do these missions and train for these missions while
8 also creating a -- a benefit for the public and for the law
9 enforcement agency, then we have set up a good mission.

10 The mission is planned and briefed for approval by
11 Joint Task Force Six and the law enforcement agency, and
12 then we issue formal orders to begin the mission.

13 After each mission, what we'll do is, with the law
14 enforcement agency and the unit and Joint Task Force Six,
15 we'll conduct an after-action review to -- to collect and to
16 capture all the lessons learned.

17 These are the operational support missions we
18 conduct. As you can see, there are a few of the missions
19 outlined in red, and those are the missions that are
20 currently under suspension by the Secretary -- by order of
21 the Secretary of Defense.

22 The first three missions, ground observation and
23 reconnaissance, aerial observation and reconnaissance,
24 and -- and ground and maritime sensors, are basically the
25 same kind of mission. It's just the means of conducting the

1 mission is different.

2 For the ground mission, for example, that would be
3 soldiers on the ground, individuals putting eyes on -- on
4 the -- on the ground. An aerial observation and
5 reconnaissance mission is -- is a helicopter and a
6 helicopter platform to basically observe. And a sensor
7 mission is -- a ground or maritime sensor is a mission in
8 which a sensor, an electronic sensor, would do the
9 observation.

10 And what these three different types of missions
11 look toward and what they try to sense is they look during
12 the traditional smuggling routes, or they patrol remote
13 areas for marijuana plots or narcotic labs. So they all
14 have the basic same objective; it's just the means.

15 Now, the ones in red, the ground observation and
16 reconnaissance and the ground sensors, are currently under
17 suspension, while the aviation reconnaissance missions are
18 currently being conducted and planned for.

19 We also provide medical evacuation support and
20 transportation of supplies and equipment.

21 The last bullet, "Controlled Delivery," can best
22 be explained by an example of -- of what one is. And with
23 these, the example of I'll give you is contraband or
24 narcotics, for example, are seized at a port of entry; say,
25 for example, in San Diego here. And the law enforcement

1 agent would ask Joint Task Force Six, to say "Look, we would
2 like to capture or get deeper into the -- the ring or the
3 network that is requesting these drugs."

4 So what Joint Task Force Six will do is provide
5 military transport to transport the narcotics to the
6 intended destination by the smugglers so it can arrive at
7 the same appointed time, unbeknownst to the people that are
8 ready to receive the drugs. And then the police can then
9 make the arrests and also get deeper into the network and
10 make the arrests of the people at the far end. Instead of
11 stopping a load right at the port, it makes its way all the
12 way to maybe Denver or Chicago or somewhere else, or San
13 Francisco. And then the people that are receiving the load
14 will also be part of the bust.

15 At no time do we, however, handle the drugs or
16 lose the chain of custody. That is all still the law
17 enforcement agency's responsibility in the mission they
18 conduct.

19 The engineers of Joint Task Force Six provide a
20 wide range of assessment services to include project design,
21 surveys, cost estimating, environmental assessment, and
22 master planning of infrastructure.

23 Our primary construction missions are border
24 roads, fences, and lights between the U.S. ports of entry
25 along the southwest border; training and operational

1 facilities such as small-arms ranges, vehicle maintenance
2 facilities, aviation support facilities, Border Patrol
3 checkpoints, and other structures constructed throughout the
4 United States.

5 Mobile training teams are small groups of subject
6 matter experts or instructors requested by law enforcement
7 to provide classroom and practical instruction. We provide
8 150 training teams per year in medical, firearms,
9 intelligence, language, and planning techniques.

10 Specialized training is coordinated by Joint Task
11 Force Six but provided by the U.S. Army MP School. Examples
12 of this would include tactical police operations or special
13 reaction team techniques.

14 We participate in technology-sharing efforts with
15 law enforcement agencies, examples of which are sensors,
16 night vision, and tunnel-detection technologies.

17 This is my last slide. And what it will convey to
18 you is that we're a dedicated organization made up of all
19 four services, and we're committed to the service of our
20 nation and to supporting the law enforcement agencies in
21 their counterdrug effort.

22 This concludes my formal briefing, and I will be
23 followed by Mr. Chris Ingram, who will discuss the process
24 we will follow under the National Environmental Protection
25 Act (sic).

1 Thank you for your attention.

2 CHRIS INGRAM: Thank you, Colonel Rossi.

3 Again, my role tonight is to tell you a little bit
4 about the National Environmental Policy Act, or NEPA, as
5 it's commonly called, which is really the driving force
6 behind the reason we're here tonight.

7 NEPA was first passed by the U.S. Congress in
8 1969, and it requires that any federal agency, when they
9 propose to undertake an action or to commit significant
10 resources to -- to an action, that they prepare a NEPA
11 document.

12 And generally, there is three levels of
13 consideration under NEPA. The first is a categorical
14 exclusion for very minor-type actions. The next one is
15 environmental assessment. And the third one, the more
16 detailed, more comprehensive one, is an environmental impact
17 statement; and that, of course, is what we will be
18 preparing.

19 Now, generally, when you prepare a NEPA document,
20 or particularly an EIS, NEPA and the President's Council on
21 Environmental Quality requires that you undergo scoping
22 process, which, again, is why we're here tonight.

23 The NEPA process, particularly for an EIS, is
24 shown here on the slide. And generally, again, the federal
25 agency will identify a need or a problem that needs to be

1 resolved, and they will also identify, formulate
2 alternatives that will satisfy that -- that problem or
3 resolve this issue. They will then prepare and publish a
4 Notice of Intent to prepare an EIS, which will initiate the
5 public scoping process.

6 We will incorporate your comments both here
7 tonight as well as all the way through the comment period.
8 And then we'll -- using that -- that information that we
9 gather from you as well as from other sources, we'll prepare
10 the draft EIS that will be released to the public for review
11 and comment.

12 We'll, again, collect your -- your comments,
13 revise the document into a final EIS, and that too will be
14 released to the public again for comment and review. And
15 then eventually the Record of Decision will be published.

16 All NEPA documents have to comply with various
17 federal and state environmental regulations and statutes.
18 Of course, NEPA is -- is the -- again, the driving force.
19 But other federal statutes that it has to comply with are
20 the Endangered Species Act; National Historic Preservation
21 Act; certain Executive orders, such as Executive Order
22 12898, which deals with environmental justice; and numerous
23 other state and other federal regulations.

24 The way INS and JTF-6 are currently complying with
25 NEPA and all these other environmental statutes is several

1 ways. First of all, in 1994 they -- they prepared the final
2 Programmatic EIS and the Record of Decision, which dealt
3 with the projects they had anticipated at that time; again,
4 for the entire border area. They focused on the 50-mile
5 corridor along the border, although the -- the EIS addressed
6 potential impacts throughout the four southwestern states.

7 Since that time, anytime a -- a project is
8 identified and it goes through the cycle that Colonel Rossi
9 mentioned, they have been preparing site- or
10 project-specific environmental assessments. Most of those
11 have required site-specific biological and cultural resource
12 surveys. And then particularly with a major engineering
13 action, they have had on-site professional biologists and
14 archaeologists to ensure that -- that the sensitive
15 resources were not impacted.

16 Again, I mentioned the -- the 1994 document that
17 covered a five-year period. That five-year period comes up
18 next November or December, late 1999. And so for that
19 reason, INS and JTF-6 have elected to go ahead and get
20 started with a process of -- updating or supplementing that
21 EIS. That's what we will be doing.

22 The -- this EIS will be formatted very similar to
23 the 1994 document in that the baseline conditions or
24 existing conditions will be described in five separate
25 technical support documents. Again, they will focus

1 primarily on the 50-mile corridor, although the actions
2 that -- that INS or JTF-6 may undertake could be anywhere
3 within the continental U.S.

4 Some of the goals of preparing the supplemental
5 PEIS primarily are listed here. We will identify the types
6 of actions that INS and JTF-6 anticipate in the next five
7 years, and we'll describe in generic terms the impacts that
8 are associated with those types of projects.

9 Again, we cannot tell you exactly where the
10 projects are going to be, what projects are going to be
11 held, but we -- we can estimate by using previous data what
12 the types of projects and the number of projects that --
13 that we can expect.

14 We'll compare and discuss the cumulative impacts,
15 both what -- what has happened to what we expect to happen
16 over the next five years.

17 Some of the benefits is that we will provide full
18 public disclosure of those types of impacts and -- or of the
19 projects themselves, eliminate some repetitive discussions
20 through tiering. So that saves all of us taxpayers some
21 cost and some monies and provides an accurate assessment of
22 cumulative impacts of the entire program. And just as
23 importantly, it -- it maintains coordination and provides
24 very valuable data to resource agencies, particularly
25 through the surveys and the monitoring efforts. And these

1 are -- this is data that some of these resource agencies may
2 not be able to -- to obtain by normal means.

3 I want to emphasize, though, that the supplemental
4 Programmatic EIS would not allow JTF-6, INS, or any other
5 agency to conduct a project without complying with all the
6 federal and state environmental statutes. This is not a
7 carte blanche ordeal. They will still have to prepare
8 site-specific or project-specific NEPA documents.

9 This is the schedule that we intend to go by. As
10 I mentioned, we had to publish a Notice of Intent. That
11 Notice of Intent was published in the Federal Register on
12 August 28th, which initiated the public scoping process.

13 As Ron mentioned, this is the seventh of a series
14 of ten public scoping meetings we're having along the
15 border. But we will be accepting your comments all the way
16 through December 16th.

17 We intend to have a draft EIS out for public
18 review February of '99. There will be a minimum of 45 days'
19 public review period, and we hope to have the final EIS
20 completed and out for review by September '99, with a Record
21 of Decision in November of '99.

22 That concludes my presentation. I'm going to turn
23 the podium back over to Mr. Ruffenach who will give you the
24 ground rules.

25 RON RUFFENACH: Thank you, Chris.

1 At this time I'd like to recognize Mr. Gary Becks,
2 who is with Congressman Duncan Hunter's office, and also
3 Miss Carolyn Powers, who is district representative for
4 Senator Steve Peace.

5 Thank you for coming this evening.

6 As I said earlier, we are conducting all ten
7 scoping meetings using the exact same format. You heard the
8 presentations. We will now have the public comment period.

9 For the public comment period, we will be limiting
10 each speaker to five minutes. And if you can see behind me,
11 there's a little indicator that will help you stay on track,
12 and there will be some chimes that will ring when your five
13 minutes is -- is completed. We ask that with respect to
14 those who are here this evening, that you do keep your
15 comments to five minutes. But we strongly encourage that if
16 your comments plan to exceed that time, that you provide
17 those to us in writing. And again, you can do that through
18 December 16th which is the end of the comment period.

19 (Chimes sounding.)

20 That's the chime that you'll hear, thank you, that
21 will indicate the end of your time.

22 We have -- I'd like -- I'd like -- we have a
23 microphone in the center aisle. We'd like you to come to
24 that microphone and make your comments.

25 You'll note that we do have a court reporter

1 taking a verbatim transcript. That transcript will become a
2 part of the draft document. So it's important that we hear
3 what you have to say, and we ask that you use the microphone
4 to do so.

5 We'll also ask that you come to the microphone and
6 state your name; and if -- in particular, if you're
7 representing a -- a group or organization, that you state
8 that.

9 And again, we will limit each -- each comment to
10 five minutes.

11 I have four people who have identified themselves
12 as wanting to speak this evening, and the first speaker is
13 Jim Peugh.

14 JIM PEUGH: Well, I've -- I've made these comments
15 at previous meetings. But I hope that in your environmental
16 document you -- you look at the impacts on wildlife and
17 native vegetation, and particularly the possible
18 introduction of invasive species.

19 I hope you also look at the impacts, the erosion
20 impacts and the water-quality impacts of some of the casual
21 grading that's been done. I don't know if it -- if it's
22 permitted road by road, perch by perch, around the mesa, but
23 an awful lot of damage has been done in the past by roads
24 that -- you know, that -- for which erosion control measures
25 weren't adequately implemented and -- and dirt from the road

1 was just pushed off over the edge of the mesa and things
2 like that.

3 The area that you're working in around the border
4 is extremely sensitive as far as sensitive species and just
5 the general wildlife. And so I think you need a lot of
6 precautions there.

7 And I also hope you'll consider -- you mentioned
8 that you've been doing Programmatic EIS, but project-level
9 EA's. And I hope you'll look at areas like -- like the
10 Tijuana River Valley particularly, which isn't very
11 environmentally sensitive about doing project-level EIS's
12 instead of EA's, because I think that each individual
13 project can have a significant impact besides a cumulative
14 impact.

15 I know there was something else I was supposed to
16 say. I guess I'll do it later.

17 RON RUFFENACH: Thank you, sir.

18 Our next speaker is Mischa Perrin.

19 (Ms. Perrin and another gentleman are holding up a
20 banner.)

21 MISCHA PERRIN: Okay.

22 MR. RUFFENACH: Again, would you please identify
23 yourself and also if you're representing an organization,
24 please.

25 Thank you.

1 MISCHA PERRIN: Yeah.

2 My name is Mischa Perrin, and I'm here with La
3 Resistencia.

4 We'd like to read some names of people who have
5 been killed in border crossings in the past year, 1998
6 deaths.

7 Lerna Valenzuela (phonetic). September 9 -- 27,
8 1998; shot to death by a Border Patrol agent.

9 Oscar Avel Cordoba Velez (phonetic), age 23.
10 September 26, 1998; shot to death by a Border Patrol agent
11 coming to the aid of another who was being pulled back into
12 the U.S. by the agent.

13 Alfonso Cruyen (phonetic), age 21. April 23,
14 1997; hit and killed by a car on Interstate 8 while being
15 pursued by INS agents.

16 Jalisco Santos Carmona (phonetic), age 24.
17 January 23, 1996; died of injuries after falling off a cliff
18 while being chased by agents at night. His group of 15 said
19 they were being fired upon.

20 Juan Carlos Segura Camarena (phonetic), age 22.
21 Mexico, May 11, 1994; died after he was being deported,
22 after an INS agent refused to give him his heart medicine.

23 Martin Garcia Martinez (phonetic), age 30. July
24 3, 1994; shot at close range with an expansive-type bullet
25 by an INS agent. Died after being in a coma for more than a

1 month.

2 Victor Manduhan Navaro (phonetic), age 17.

3 September 8, 1990; knocked down and fatally shot twice in
4 the stomach by the Border Patrol agent.

5 Umberto Rolez Valenzuela (phonetic), age 33.

6 November 2, 1990; shot to death with a bullet to the
7 forehead by Border Patrol.

8 Luis Eduardo Hernandez (phonetic), age 14. August
9 20, 1989; struck and killed by a Border Patrol vehicle.

10 Enriquez Santos Nieto (phonetic), age 26. January
11 22, 1997; died in a crash. Others injured while being
12 pursued by the INS in a high-speed chase.

13 Elogardo Avilez Paella (phonetic), age 42.

14 Felipe Arias Valtista (phonetic), age 31.

15 Salvador Chavez Munoz (phonetic), age 19.

16 Jaime Javez Munoz (phonetic), age 21.

17 Benjamin Javez Munoz (phonetic), age 33.

18 Hernando Ocampo Campo (phonetic), age 25.

19 Two unidentified persons.

20 April 6, 1996; eight persons died and seventeen
21 others injured as a result of a high-speed chase by Border
22 Patrol agents.

23 Two died, nineteen injured. April 26, 1996; two
24 died and nineteen are injured as a result of a high-speed
25 chase in which the Border Patrol van hit the vehicle

1 carrying the immigrants, forcing it off the road.

2 Anarecilla Ponce (phonetic), age 22. August 23,
3 1989; killed in a high-speed chase by Border Patrol agents.

4 Barella Uventina Ecinez Solo (phonetic), age 17.
5 January 18, 1990; killed in a high-speed chase by Border
6 Patrol agents.

7 Roberto Lopez, age 38.

8 Antonio Silva Ruiz (phonetic), age 40.

9 Richard Horton (phonetic).

10 May 3, 1995; three died, sixteen are injured as
11 their van slammed into a pickup truck as it was being
12 pursued by Border Patrol Agents in a high-speed chase.

13 I would just like to say I understand that the
14 drug problems in the United States are a terrible thing,
15 that they are probably taking as many lives as are
16 represented here. But, you know, this -- this also brings
17 great grief to people. And I would just like you to think
18 about that and do what you can.

19 Thank you.

20 RON RUFFENACH: Thank you, Ms. Perrin.

21 Our next speaker is identified as -- I have a
22 first name only -- Ben.

23 Sir, if you could when you come to the mike,
24 identify yourself for the record, please.

25 BEN WEINSTEIN: Yes.

1 My name is Ben Weinstein, and I'm with La

2 Resistencia also.

3 I'm going to be pretty brief.

4 I just think that one of the biggest environmental
5 problems on the border right now is the stench of death
6 which has not been addressed at all.

7 Human beings are the most valuable resource there
8 is on the planet Earth. I think most of us would agree.
9 But what is happening, the greatest environmental impact
10 that's taking place on the border, is that hundreds of
11 people are dying. And we know that this has not always been
12 the case. This year, over ninety people died in Imperial
13 Valley crossing the border. In 1994, the number was four,
14 or three, I believe.

15 So what is the change? What is it? What is this
16 policy of deterrence? The deterrence is driving people into
17 areas where they are very likely to meet death. And they
18 are meeting death. And this is where I think has not been
19 explained when the term deterrence is used. So I think Joint
20 Task Force Six has actually established a policy of
21 deterrence, along with the agencies it's working with.

22 I think the cost in human lives is what needs to
23 be discussed, though. Obviously, that is not what this
24 meeting was arranged to discuss. But it's been very
25 surgically left out.

1 But that's why we're here, because we want to
2 represent those who have no voice. Those
3 two-hundred-and-over-thirty people who have died just in the
4 Operation Gatekeeper sector don't have a voice to be here
5 tonight. Their lives have been robbed on the border. We
6 want to represent that. That's the environmental impact
7 that I think needs to be addressed. And I think it is a
8 crime against humanity and is answerable as such.

9 RON RUFFENACH: Thank you, Mr. Weinstein. We
10 appreciate your comments.

11 Our next speaker is Roger Andersen.

12 ROGER ANDERSEN: I'd like to ask a couple
13 questions.

14 Prior to the construction of the fence in Otay
15 Mesa --

16 RON RUFFENACH: Excuse me, sir. The format for
17 this meeting is public comment.

18 ROGER ANDERSEN: Okay.

19 RON RUFFENACH: Your questions can be addressed
20 once the meeting is concluded. There are a number of
21 people --

22 ROGER ANDERSEN: All right. Then I'll make a
23 statement.

24 RON RUFFENACH: You can make a statement, sir.

25 ROGER ANDERSEN: It's my understanding that before

1 the construction of the fence, there were a number of
2 illegal vehicle entries on Otay Mesa, and I believe that
3 many of these resulted in high-speed chases. And as a
4 result of construction of this fence, I believe a lot of
5 high-speed chases have been eliminated.

6 RON RUFFENACH: Thank you, sir.

7 That concludes the number of people that had
8 preregistered to speak this evening.

9 Is there anyone in the audience that would still
10 like to make a comment?

11 Sir? You can do so by coming up to the
12 microphone. And again, you will also be given five minutes.

13 Please identify yourself, if you would.

14 CHARLES BRIGGS: Thank you.

15 I'm Charles Briggs. I'm here as a citizen. I
16 don't represent any organization.

17 As we know in this country, environmental hazards
18 practice affirmative action. They give special preference
19 to people of color, to Latinos, to African-Americans, and to
20 native American communities. This has been amply documented
21 statistically. If you look at a map of the environmental
22 waste sites, of mining operations that are hazardous across
23 the country, they're not randomly distributed according to
24 race.

25 Engaging military force within a civilian

1 population, during a time when that population is not at
2 war, creates a threat to that civilian population, through
3 the introduction of technology, in which accidents can
4 occur; through the increased use of deadly force on behalf
5 of Border Patrol agents; and directly through the use of
6 firearms by military personnel, as in the death of Ezekiel
7 Hernandez (phonetic), a U.S. citizen.

8 This is also an impact, a threat, which is
9 differential on the basis of race; in this case,
10 specifically, people who are Latino or who look as if they
11 are Latino. It is, however, not only differential on the
12 basis of citizenship. This risk is also carried by U.S.
13 citizens like Ezekiel Hernandez, and also by Latinos who
14 have come to this country and other immigrants who are
15 documented.

16 So this, in fact, creates an antidemocratic
17 environment by further heightening the threat to the
18 communities of color, and second of all, by engaging a
19 military force among a civilian population when there is no
20 military threat. This is antidemocratic.

21 This last summer I had the opportunity to be in
22 Berlin and to watch the celebration within Berlin of almost
23 ten years of taking down the Berlin Wall, of the tremendous
24 impact on that city of having a wall which was heavily
25 militarized and which is now celebrated as one of the great

1 victories for democracy in the world.

2 We are now building a wall which is larger, more
3 heavily militarized, and more deadly than the Berlin Wall.
4 This is a threat to world democracy. This is a dimension of
5 our own environment, a democratic environment, which we
6 celebrate as a democratic people, that must be addressed.

7 Thank you.

8 RON RUFFENACH: Thank you, sir.

9 Once again, I will ask if there is anyone in the
10 audience that would like to make a comment.

11 Ma'am? Once again, please identify yourself.

12 MARTHA VALDEZ: My name is Martha Valdez. I'm
13 a -- I represent the Environmental Hope Coalition, which is
14 an environmental justice organization. And one of the
15 things that concerns us immensely is the impact that any of
16 these projects are going to have on the communities,
17 especially lower income communities, on the other side of --
18 of the border.

19 I've had occasion to visit a -- a community that
20 is right adjacent to the -- to the border here in what must
21 be about two, three miles from the San Ysidro port, and saw
22 two, three huge pipes that are going right into that
23 community, that are being placed there apparently so that
24 the road that is being built is not -- there's some
25 drainage. A lot of the houses there are sort of shacks and

1 will not take too much of -- of pressure, water pressure,
2 that will just blow them away.

3 So in my comment that I would like to say is to
4 identify those -- the projects from an environmental justice
5 perspective.

6 Thank you.

7 RON RUFFENACH: Thank you, ma'am.

8 Is there another one in the back?

9 Sir? Please.

10 VIRGIL PINA: Hello.

11 My name is Virgil Pina. I'm a lifetime resident
12 here in Chula Vista. Actually, I was born just about two
13 blocks down, where -- that used to be the community hospital
14 just about two blocks down.

15 I want to say a few things. I -- I -- work
16 closely with many Hispanic groups here in San Diego County,
17 and I just wanted to make a few comments.

18 And basically, I think there is a very deep
19 concern in the Hispanic community. There are many U.S.
20 citizens, Hispanic U.S. citizens, that have complained about
21 being stopped by the Border Patrol. And there has been
22 about 330 deaths to date since Gatekeeper was -- started its
23 operation.

24 I believe -- I speak as a citizen, as a veteran.
25 And I believe that there is certain things that need to be

1 done. Let me just name a few of them.

2 I believe the military needs to be pulled out from
3 the border. We do have the Border Patrol. I think that's a
4 sufficient strength that we have there.

5 There's a problem. I -- the last time I crossed
6 the border was a few months ago, and I remember seeing --
7 and the lieutenant colonel would know -- military personnel,
8 United States Army, possibly reserve, in BDU, which stands
9 for battle dress uniform. I don't think that sends a very
10 good message to our neighbors to the south.

11 I think that at the very least they need to be
12 dressed in what is called Class B uniforms. I think it is
13 more proper, more professional, and gives a -- more of a
14 friendly atmosphere. And that's what we're trying to do.
15 We're trying to protect our border but be more friendly.

16 I also want to make a recommendation because
17 there -- the deaths are increasing. And -- and it's a
18 horrible death, I imagine. I'm sure you've been thirsty,
19 I've been thirsty before. But I can stop by at the corner
20 store and get something to drink. I don't drink alcohol, of
21 course, but -- but I -- I, you know -- we do -- we need
22 to -- do need to refresh ourselves.

23 I believe a good idea would be to employ the --
24 the offices or the work of the Peace Corps to patrol our
25 border, or some other humanitarian agency, for distribution

1 of water. Not to act to as a -- as a pro or con to border
2 crossing, but basically just simply there to help out as far
3 as a humanitarian mission for giving out water and minor
4 first aid. This would bring a decrease in deaths, I
5 believe.

6 I think I just have a little time more. See what
7 I've got down here on my list.

8 The last comment here is this. You know, when the
9 Founding Fathers came and the families of the Founding
10 Fathers came to our nation, there -- the natives here didn't
11 ask for green cards; they didn't ask for documents. So --
12 and they treated them fairly well. I mean, they -- wars did
13 start against the Indians, and -- and, you know, plus the
14 colonists. But -- but what I am saying is if they did not
15 stop those who came from Europe and -- and not allow them in
16 because they didn't have proper documents, then I don't see
17 any justification for us to do that.

18 So what am I saying? Am I saying we're going to
19 open up the border? No. What I am saying is this, simply
20 this: that we're not in a perfect world, but we have to try
21 to make things as best as possible. And -- and we are
22 operating under unjust circumstances. So we have to make
23 them as just and humanitarian as possible.

24 We are basically visitors to this land, and God --
25 it's God's land. We need to treat everybody there -- in

1 this land as God's children.

2 That's it.

3 RON RUFFENACH: Thank you, sir.

4 Is there anyone else that has a comment?

5 Yes, ma'am.

6 CAROLYN POWERS: I wasn't going to do this. I'm
7 going to take off my district representative's -- Senator
8 Peace -- hat and speak a little bit about the way I've lived
9 most of the last decade in and around the South Bay. And --

10 RON RUFFENACH: Could you -- for the record, could
11 you please --

12 CAROLYN POWERS: My name is Carolyn Powers.

13 RON RUFFENACH: Thank you.

14 CAROLYN POWERS: And right now I'm going to be
15 wearing the Citizens Against Recreational Eviction hat,
16 which has been long involved in -- in protecting various
17 aspects of the -- the Tijuana River Valley now and the
18 estuary, the beaches.

19 And I want to say that before Operation
20 Gatekeeper, that living in many of the South Bay
21 communities -- Imperial Beach, San Diego, San Ysidro -- was
22 a real nightmare in terms of border crime and violence; and
23 that my daughter, who lived along the estuary, had her --
24 lots of immigrants coming through her gate. Her gate was
25 the only way to the alley. And all night long, the doors

1 shutting closed and open and closed. That riding my horse
2 in the Tijuana River Valley, it was not uncommon at all to
3 run across groups of 60 or more immigrants on the same trail
4 that I was on, which didn't bother me too much. But it's
5 when the drug smugglers came, with the tattooed tears under
6 their eyes, that caused a great deal of fear on my part and
7 others.

8 Operation Gatekeeper ended that nightmarish era in
9 the South Bay. It stopped the trampling of the estuary,
10 where places like Underwear Point were the common names that
11 the environmentalists called various areas within the
12 estuary.

13 And if you study, even as I have rightly, the
14 history of the Border Patrol and its funding mechanisms, I
15 don't have any assurance that the current level of
16 operations that Operation Gatekeeper utilizes, the level of
17 funding, that that is going to stay with us over the next
18 five years even. And I think that we need to leave a legacy
19 while the money is there of infrastructure such as the
20 border fence, to insure that when the money goes away to --
21 and no longer supplying the vehicles and airplanes and
22 high-tech surveillance, that there's something in place to
23 protect us from revisiting the past.

24 And I hope that all of the well-meaning people
25 that spoke here tonight so much against the border fence

1 will understand the -- the protection it will provide the
2 residents.

3 Thank you.

4 RON RUFFENACH: Thank you very much.

5 Are there any other speakers?

6 Again, on behalf of the Joint Task Force Six and
7 INS, I'd like to thank you very much for coming this
8 evening.

9 Again, I'd encourage you to provide your written
10 comments through the end of the discussion period, which is
11 December 16th. And the address which was on the handout
12 that you were provided at registration is where those
13 comments can be sent.

14 Again, thank you very much for coming this
15 evening. Appreciate it.

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C E R T I F I C A T E

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

BE IT KNOWN that the foregoing hearing was taken
before me, CAROL McDONALD, a Certified Shorthand Reporter in
and for the State of California; taken down by me in
shorthand and thereafter reduced to print under my
direction; that the foregoing pages are a true and correct
transcript of all proceedings had upon taking, all done to
the best of my skill and ability.

CAROL McDONALD, CSR, RPR
CSR No. 11548 (CA)

